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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,457	06/14/2006	Marc Andre Peters	NL031487	6887
24737 7590 12/12/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
YU, XIANG				
ART UNIT		PAPER NUMBER		
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MAIL DATE		DELIVERY MODE		
12/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/596,457

Applicant(s)

PETERS ET AL.

Examiner

XIANG YU

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission last filed on October 15th, 2008 has been entered.

Response to Remarks

2. This is a non-final Office Action in response to the present US application number 10/596,457 last filed on October 15th, 2008, where claims 1-6, 8-13, and 15-21 are pending and have been examined.

Previous 35 U.S.C. 101 rejections have been withdrawn in view of applicant's remarks claiming, "...computer-readable medium having the control software recorded thereon..." and in view of the newly amended claims which reflect those remarks.

The examiner respectfully disagrees with applicant's remarks/arguments. As to claims 1-6, 8-13, and 15-21, *Logan et al.* does teaches/suggests the concept of providing a specific identifier (or metadata) which links the requesting user(s) to some specific requested data content(s). *Logan* teaches/suggests while the metadata is created and stored at a user's metadata storage (i.e. 133) and the storage point now acts as a resource point for any user requesting for data content(s), in actuality, only the

group of specific individuals who actively and directly access the storage 133 for the metadata information would get the linking URL information to the requested content(s) (e.g. *Logan*: paragraph [0092]). Applicant's remark about the specifications on page 2, lines 21-33 are similarly covered in *Logan*'s teachings as mentioned before and at the same time, they are not expressly reflected in the claims.

See the new claim rejections for further clarifications. Applicant's arguments are thus not persuasive.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. For example:

- The last sentence of paragraph [0006] stating, "...**whereas an interested user has the option to access to the groups in a very convenient way.**" should be amended to remove the second "to" after the word access (e.g. specifications page 3, lines 1-2).
- The first instance of the acronym VBI should be spelled out to clearly define what the letters stand for (e.g. specifications page 3, lines 16).

Appropriate correction is required

Claim Objections

4. **Claims 1-3 and 21** are objected to because of the following informalities:
- As to **claim 1**, the portion stating, “...enabling to identify a a specific one of multiple groups of peers on a peer-to-peer network...” should be amended to remove the extra “a” term. In addition, the term “one” is not clear as to whether it is referring to “one group out of multiple groups” or “one peer out of groups of peers”. Please amend accordingly and clarify within the claim itself.
 - As to **claim 2**, the term “broadcast” should be amended to “content broadcast” to remain consistent with the rest of the claims, unless there is a different meaning between the terms “broadcast” and “content broadcast.”.
 - As to **claim 3**, the newly amended claim is now a sentence fragment. The examiner suggests amending the claim to somehow include a verb, such as “provide”, making the claim similar to that of claims 1 and 2, or “derive”, so that it is more similar to claim 10. Further examination of this claim will be based on these assumptions.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-6, 8-13, and 15-21** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. US 2003/0093790 A1 to *Logan et al.* ("*Logan*").

As to **claim 1**, *Logan* discloses a **method of enabling to identify a specific one of multiple groups of peers on a peer-to-peer network, the enabling comprising providing a specific one of multiple identifier for linking a content broadcast to the specific group of peers**. In particular, *Logan* discloses the concept of having shareable metadata (or specific identifier) stored at a user's metadata storage (i.e. 133). Now metadata storage 133 acts as a registry or directory or resource node that provides the resource address (or Internet URL) or in other words, links the requesting user to the requested content through the URL. In addition, *Logan* further discloses clearly of the group of other users as directly accessing the storage 133, which satisfies the specific group of peers and not just any random individual. While the metadata URL information is readily available to the general public, only that group of specific individuals who actively directly access the storage for that information gets the linking URL to the requested content information (e.g. *Logan*: paragraph [0092]). In addition, *Logan* further discloses clearly the concept of what

metadata are and how they operate as being descriptive and qualitative segment identifiers for resource data (e.g. *Logan*: paragraphs [0097-0101]).

As to **claim 2**, *Logan* further discloses **the method as claimed in claim 1, wherein the specific identifier is provided via the broadcast**. In particular, *Logan* further discloses the concept of wherein the descriptive metadata (identifier) about broadcast programming is openly shared among the users who actively come to access that information (e.g. *Logan*: paragraph [0092]).

As to **claim 3**, *Logan* further discloses **the method as claimed in claim 1, wherein the specific identifier via an Electronic Program Guide**. In particular, *Logan* further discloses the concept of wherein the descriptive metadata is provided in an Electronic Program Guide (EPG) which displays in a convenient format the information concerning the contents of the available broadcast programming (e.g. *Logan*: paragraph [0120]).

As to **claim 4**, *Logan* further discloses **the method as claimed in claim 1, wherein said method further comprises deriving the specific identifier from a further identifier representative of the content broadcast**. In particular, *Logan* further discloses the concept of identification metadata. In addition, *Logan* further discloses the concept wherein the user may review or use the metadata from other users as a reference to compare to the stored metadata

information within the storage 133 to help further identify the information stored within to the requesting user (e.g. *Logan*: paragraphs [0093-0095]).

As to **claim 5**, *Logan* further discloses **the method as claimed in claim 4, wherein said method further comprises providing the further identifier via the content broadcast**. In particular, *Logan* further discloses the concept of wherein the identifying metadata are created to further help identify the programming source from the original broadcast (e.g. *Logan*: paragraph [0094]).

As to **claim 6**, *Logan* further discloses **the method as claimed in claim 4, wherein said method further comprises providing the further identifier via an Electronic Program Guide**. In particular, *Logan* further discloses the concept of providing or presenting the metadata to the user through a program guide (e.g. *Logan*: paragraph [0095]).

As to **claims 8-13**, see the similar rejections of claims 1-6, wherein the method is taught through the enabling method.

As to **claims 15-18**, see the similar rejections of claims 1-4, wherein the method is carried out by the apparatus.

As to **claims 19 and 20**, see the similar rejections of claims 1 and 4, wherein the method is carried out by the apparatus with the software code stored within the computer-readable medium.

As to **claim 21**, see the similar rejections of claim 1, wherein the method includes the properties of the content broadcast linking the metadata of the content broadcast to the requesting user (or peers).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIANG YU whose telephone number is (571)270-5695. The examiner can normally be reached on Monday - Friday 8:00am - 5:00pm with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrice Winder can be reached on (571)272-3935. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/
Primary Examiner, Art Unit 2445

/X. Y./
Examiner, Art Unit 2445